

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

BHS Law LLP v. Jipyong LLC

No. 25-cv-04328-AMO (N.D. Cal. June 6, 2025) · No. 25-cv-04328-AMO · Decided June 6, 2025

SUMMARY

The United States District Court for the Northern District of California denied BHS Law LLP’s application for a temporary restraining order seeking to enjoin Jipyong LLC and Jinhee Kim from allegedly engaging in the unauthorized practice of law. The court held that BHS failed to establish likely irreparable harm, including because its alleged economic injuries could be remedied through money damages, and therefore did not address the remaining preliminary-injunction factors. The court also struck BHS’s second amended complaint as improperly filed without leave or consent.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 6, 2025
DOCKET	25-cv-04328-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought an ex parte temporary restraining order to enjoin defendants from allegedly engaging in the unauthorized practice of law. The district court denied the TRO and struck plaintiff's improperly filed second amended complaint.
STANDARD OF REVIEW	A temporary restraining order is an extraordinary remedy, and the plaintiff bears the burden of establishing a likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities favors the plaintiff, and that an injunction serves the public interest. The court may deny relief without analyzing the remaining Winter factors when the plaintiff fails to make the minimum showing of irreparable injury.
PRECEDENTIAL VALUE	Unknown; unpublished district court order

TOPICS

injunctions

civil procedure

motion to amend

remedies

commercial litigation

PRACTICE AREAS

civil procedure

injunctive relief

commercial litigation

unauthorized practice of law

QUESTIONS PRESENTED

1. Whether BHS Law established a likelihood of irreparable harm sufficient to warrant a temporary restraining order.
2. Whether the court could consider the second amended complaint filed without leave of court or defendants' consent.

HOLDINGS

1. BHS Law failed to establish a likelihood of imminent irreparable harm. Conclusory allegations of litigation-related waste and economic injury were insufficient, and economic injuries redressable by money damages do not ordinarily constitute irreparable harm.
2. The court struck BHS Law's second amended complaint because BHS had already exercised its one amendment as a matter of course and filed the second amendment without court leave or defendants' consent.

KEY QUOTATIONS

“For a court to issue this extraordinary relief, a plaintiff must establish a likelihood of success on the merits, a likelihood of irreparable harm absent injunctive relief, that the balance of equities tips in plaintiff’s favor, and that the public interest favors injunctive relief.” (at 1)

“Economic injury that can be redressed by money damages does not constitute irreparable harm justifying injunctive relief” (at 2)

FACTUAL BACKGROUND

BHS Law alleged that Jipyong LLC, a Korean limited liability company, and Jinhee Kim, an attorney licensed in California, were engaging in the unauthorized practice of law in California courts. BHS claimed that defendants' conduct caused economic injury by competing for the same clients and by representing a former BHS client in state-court litigation. BHS sought to prevent defendants from litigating in California courts, asserting that their filings could be subject to striking or dismissal and that their continued conduct would waste judicial resources.

PROCEDURAL HISTORY

BHS Law LLP filed a first amended complaint on May 22, 2025, and filed an ex parte motion for a temporary restraining order on June 2, 2025. The court ordered an opposition, set a hearing, later vacated the hearing, and decided the motion on the papers. Plaintiff filed a second amended complaint on June 4 without obtaining leave of court or defendants' consent; the court struck it under Federal Rule of Civil Procedure 15(a)(2), leaving the first amended complaint operative. The court denied the TRO on June 6, 2025.

DISPOSITION

other

CASES CITED

- Epic Games, Inc. v. Apple Inc., 493 F. Supp. 3d 817, 831 (N.D. Cal. 2020)
- Munaf v. Geren, 553 U.S. 674, 689-90 (2008)
- Winter v. Natural Resources Defense Council, 555 U.S. 7, 20 (2008)
- DISH Network Corp. v. F.C.C., 653 F.3d 771, 776 (9th Cir. 2011)
- Herb Reed Enterprises, LLC v. Florida Entertainment Management, Inc., 736 F.3d 1239, 1251 (9th Cir. 2013)
- Boardman v. Pacific Seafood Group, 822 F.3d 1011, 1022 (9th Cir. 2016)
- Caribbean Marine Services Co. v. Baldridge, 844 F.2d 668, 674 (9th Cir. 1988)
- Arizona Dream Act Coalition v. Brewer, 757 F.3d 1053, 1068 (9th Cir. 2014)
- Lydo Enterprises, Inc. v. City of Las Vegas, 745 F.2d 1211, 1213 (9th Cir. 1984)
- Los Angeles Memorial Coliseum Commission v. National Football League, 634 F.2d 1197, 1202 (9th Cir. 1980)
- Oakland Tribune, Inc. v. Chronicle Publishing Co., 762 F.2d 1374, 1376 (9th Cir. 1985)
- Khan v. City of Pinole Police Department, No. 4:19-CV-06316-YGR, 2020 WL 3617903, at *6 (N.D. Cal. July 2, 2020)

OPINION

Bhs Law LLP v. Jipyong LLC

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BHS LAW LLP, Case No. 25-cv-04328-AMO 8 Plaintiff,

ORDER DENYING TEMPORARY

9 v. RESTRAINING ORDER

10 JIPYONG LLC, et al., Re: Dkt. No. 8 Defendants. 11 12 13 On June 2, 2025, Plaintiff Bhs Law
LLP (“Bhs”) filed an ex parte motion for temporary 14 restraining order (“TRO”) seeking to
enjoin Defendants Jipyong LLC and Jinhee Kim from 15 engaging in the unauthorized practice of
law. ECF 8. The Court ordered Defendants to file any 16 opposition by June 5, 2025, and set a
hearing for June 9, 2025. ECF 9. Having reviewed the 17 papers filed by the parties and the
arguments made therein, as well as the relevant legal authority, 18 the Court finds the motion
appropriate for decision without oral argument, and VACATES the 19 hearing set for June 9, 2025.
See Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). 20 A temporary restraining order is “an ‘extraordinary
and drastic remedy,” that is never 21 awarded as of right.” Epic Games, Inc. v. Apple Inc., 493 F.

Supp. 3d 817, 831 (N.D. Cal. 2020) 22 (citing *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008)). For a court to issue this extraordinary 23 relief, a plaintiff must establish a likelihood of success on the merits, a likelihood of irreparable 24 harm absent injunctive relief, that the balance of equities tips in plaintiff's favor, and that the 25 public interest favors injunctive relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). A 26 plaintiff bears the burden of demonstrating they meet all four of these factors. *DISH Network 27 Corp. v. F.C.C.*, 653 F.3d 771, 776 (9th Cir. 2011). Bhs has not carried its burden. 1 irreparable.1 Bhs argues it is unlawful for Defendant Jinhee Kim, an attorney licensed to practice 2 in California, to practice law in California courts through Defendant Jipyong, a Korean limited 3 liability corporation. Mot. at 5 (citing Cal. Corp. Code § 17701.04(e) ("Nothing in this title shall 4 be construed to permit a domestic or foreign limited liability company to render professional 5 services, as defined in subdivision (a) of Section 13401 and in Section 13401.3, in this state."); 6 Bus. & Prof. Code § 6125 ("No person shall practice law in California unless the person is an 7 active licensee of the State Bar.")). Bhs asserts that because all filings in California courts 8 resulting from Defendants' purported unauthorized practice of law are subject to strike or 9 dismissal, failure to enjoin Defendants from litigating in California courts will risk "a complete 10 waste of judicial resources," Mot. at 2, and will enable Defendants to continue "cheat[ing] 11 California lawyer[s] out of potential clients," Mot. at 9. These allegations are conclusory, vague, 12 and unsupported by facts. See *Herb Reed Enters., LLC v. Fla. Ent. Mgmt., Inc.*, 736 F.3d 1239, 13 1251 (9th Cir. 2013) ("Those seeking injunctive relief must proffer evidence sufficient to establish 14 a likelihood of irreparable harm"); *Boardman v. Pac. Seafood Grp.*, 822 F.3d 1011, 1022 (9th Cir. 15 2016) ("A plaintiff must do more than merely allege imminent harm sufficient to establish 16 standing; a plaintiff must demonstrate immediate threatened injury as a prerequisite to preliminary 17 injunctive relief.") (citing *Caribbean Marine Servs. Co, Inc. v. Baldridge*, 844 F.2d 668, 674 (9th 18 Cir. 1988) (emphasis in original)). These allegations are insufficient to establish imminent 19 irreparable harm. 20 Bhs has also failed to explain why there is "no adequate legal remedy" for these purported 21 harms. *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) ("Irreparable 22 harm is traditionally defined as harm for which there is no adequate legal remedy."). In the 23 operative complaint, Bhs alleges "Jipyong causes economic injuries" to Bhs "[b]y conducting 24 unlawful practice of law, in part catering to the same pool of clients [and] prospective clients," 25 1 Bhs suggests that it need only demonstrate a "possibility of irreparable injury and great waste." 26 TRO Motion ("Mot.") (ECF 8) at 3 (citing *Lands Council v. Martin*, 479 F.3d 636, 639 (9th Cir. 2007)). But the Ninth Circuit explicitly abrogated that standard well over a decade ago, noting 27 that "[t]o the extent that [its] cases have suggested a lesser standard, they are no longer controlling, 1 First Amended Complaint ("FAC") (ECF 6) § 10, and that Bhs "suffered economic losses" 2 || litigating in state court against its former client Moreh, Inc., who is represented in that action by 3 Defendants, FAC 4] 12.7 Economic injury that can be redressed by money damages does not 4 || constitute irreparable harm justifying injunctive relief, so any such

harm to Bhs is an insufficient basis to issue a TRO. See *Lydo Enterprises, Inc. v. City of Las Vegas*, 745 F.2d 1211, 1213 (9th Cir. 1984) (“Purely monetary injuries are not normally considered irreparable.”); *Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1202 (9th Cir. 1980). Bhs’s 8 allegations of economic harm cannot carry the day. 9 For these reasons, Bhs has not shown a likelihood of irreparable harm. Accordingly, the 10 || Court need not consider whether Bhs has made an adequate showing of the other Winter factors, 11 see *Oakland Trib., Inc. v. Chron. Pub. Co.*, 762 F.2d 1374, 1376 (9th Cir. 1985) (where plaintiff 12 || “has not made th[e] minimum showing” of irreparable injury, courts “need not decide whether 13 [plaintiff] is likely to succeed on the merits”), and DENIES Bhs’s application for a TRO. 15 IT IS SO ORDERED. A 16 Dated: June 6, 2025 = 17 ef □ uh Z 18

ARACELI MARTINEZ-OLGUIN

19 United States District Judge 20 21 22 23 24 | 2 On June 4, 2025, Plaintiff filed a second amended complaint. See ECF 16. However, under 95 || Federal Rule of Civil Procedure (“Rule”) 15(a)(1), a plaintiff is entitled to amend its complaint only once as a matter of course. Bhs exercised that that right and filed a first amended complaint 26 on May 22, 2025. See ECF 6. Plaintiff did not seek leave of court nor Defendant’s consent to file the second amended complaint, ECF 16, as required by Rule 15(a)(2). Accordingly, the Court 7 STRIKES the second amended complaint. See *Khan v. City of Pinole Police Dep’t*, No. 4:19- CV-06316-YGR, 2020 WL 3617903, at *6 (N.D. Cal. July 2, 2020). Thus, the operative 2g || complaint is the first amended complaint filed on May 22, 2025.